

REMARKS

Initially, Applicants have amended claims 170-178, 180-188, 191, 217, 263, 295-297, 304-311, 313-314, and 316 to more accurately claim the present invention and not for 5 any reason related to patentability. No new matter has been added. Applicants believe that the following comments overcome the rejections set forth in the February 28, 2003 Office Action and that the rejections should be withdrawn.

10 I. THE INVENTION

Generally, the present invention is a system for accessing electronic data via a familiar printed medium. Specifically, the familiar printed medium is a printed document issued by an educational institution having at 15 least one machine recognizable feature, which may be one of various embodiments including, but not limited to, a watermark, bar code, invisible bar code, magnetic code, printed character, invisible icon, etc. In the present invention, these machine recognizable features are scanned 20 or sensed and converted into an electronic signal, which is transmitted to be processed. The processing results in the display of programming material related to the information contained in the printed document. Importantly, the present invention is designed to allow a user to access

programming material related to the information contained in the printed document to supplement the information provided by the printed document.

5 II. THE EXAMINER'S REJECTIONS

A. 35 U.S.C. § 102

The Examiner rejected claim 168 under 35 U.S.C. § 102(b) as being anticipated by Withnall *et al.* U.S. Patent No. 4,488,035 (hereinafter referred to as "Withnall"). The Examiner argued that Withnall teaches the use of a battery powered handset having a bar code reading means, a microprocessor, a keypad, and a display. The Examiner stated:

"The portable handset is adapted to read information presented to it on a ticket in [a] bar-code, and is capable of displaying information read from the ticket in a form which can be read by the inspector." (February 28, 2003 Office Action Summary, p. 3).

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B. 35 U.S.C. § 103

The Examiner rejected claims 169, 311, and 314 under 35 U.S.C. § 103(a) as being unpatentable over Withnall and knowledge in the art. The Examiner admitted that:

5 "[t]he claim[s] differ[] [from Withnall] in calling for a printed document issued by an educational institution. It would have been obvious to incorporate Withnall's [sic] teachings in a printed book as recited." (February 28, 2003 Office Action Summary, p. 5).

Also, the Examiner rejected claims 170-191 under 35 U.S.C. § 103(a) as being unpatentable over Withnall. The Examiner admitted that:

10 "[t]he claims differ [from Withnall] in calling for the step of encoding/printing various educational related information ... Since the content of the code and printed matters could be arbitrary, it would have been obvious to encode/include such features in the teachings as taught by Withnall [sic]. It is further submitted that a Court has decided that printed matter such as encoding particular information in a code, etc., would not be given patentable weight (In re Gulack, 217, U.S.P.Q. 401)." (February 28, 2003 Office Action Summary, p. 5).

Then, the Examiner rejected claims 192-217, 243-279, 312, and 315 under 35 U.S.C. § 103(a) as being unpatentable over Withnall "in view of the general teachings of the

prior art of record" including Thacher *et al.* U.S. Patent No. 5,083,271 (hereinafter referred to as "Thacher"); Ertz *et al.* U.S. Patent No. 5,003,577 (hereinafter referred to as "Ertz"); and Plummer U.S. Patent No. 4,992,824 (hereinafter referred to as "Plummer"). The Examiner contended that replacing the data link of Withnall with any other data link would have been obvious. The Examiner specifically pointed out the data links of Thacher, Ertz, and Plummer, which include local area networks, cable 10 television ("CATV") links, telephone line videotext channels, voice links, and integrated services digital networks ("ISDN"), and other data links to transmit image and video information.

Additionally, the Examiner rejected claims 218-242, 15 313, and 316 under 35 U.S.C. § 103(a) as being unpatentable over Withnall "in view of the general teachings of the prior art of record" including Konishi *et al.* U.S. Patent No. 5,237,156 (hereinafter referred to as "Konishi") and Younger U.S. Patent No. 5,151,687 (hereinafter referred to 20 as "Younger"). The Examiner admitted that Withnall fails to teach codes other than bar codes such as watermarks, invisible bar codes, magnetic codes, printed characters, invisible icons, etc. The Examiner took Official Notice that the use of these features was known. The Examiner

then stated that interchanging input sources would have been a design choice and that Konishi and Younger display evidence of interchanging differing types of media. Konishi is cited for disclosing the scanning of bar codes 5 and magnetic characters and optical character recognition ("OCR"). Younger is cited for teaching methods of identifying taped material such as words, mnemonics, numeric codes, abbreviations, symbols, and icons.

Next, the Examiner rejected claims 280-294 under 35 10 U.S.C. § 103(a) as being unpatentable over Withnall in view of Ishii et al. U.S. Patent No. 5,148,297 (hereinafter referred to as "Ishii"). The Examiner admitted that "[t]he claims differ [from Withnall] in calling for the use of various type[s] of display device[s]." (February 28, 2003 15 Office Action Summary, p. 7) The Examiner then took Official Notice that the use of televisions, pagers, laptops, computers, telephones, and books for displaying messages was known. Ishii is specifically cited for disclosing a liquid crystal display ("LCD") adaptable for 20 televisions, games, laptops, etc.

Also, the Examiner rejected claims 295-310 under 35 U.S.C. § 103(a) as being unpatentable over Withnall. The Examiner admitted that "[t]he claims differ [from Withnall] in calling for the use of various type[s] of code

recognition device[s]." (February 28, 2003 Office Action Summary, p. 8). The Examiner then took Official Notice that the use of scanners, digital mice, digital cameras, optical readers, computers, and televisions was known.

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III. THE EXAMINER'S REJECTIONS SHOULD BE WITHDRAWN

The Examiner rejected claim 168 under 35 U.S.C. § 102(b) as being anticipated by Withnall. In a subsequent rejection, the Examiner rejected claims 169, 311, and 314 under 35 U.S.C. § 103(a) as being unpatentable over Withnall. In another rejection, the Examiner rejected claims 170-191 also under 35 U.S.C. § 103(a) as being unpatentable over Withnall. In yet another rejection, the Examiner rejected claims 295-310 under 35 U.S.C. § 103(a) as being unpatentable over Withnall. Applicants respectfully disagree with the aforementioned rejections and respectfully submit that no pending claims of the subject application can be anticipated by or unpatentable over Withnall. Withnall specifically discloses a system for easing the examination of commuter tickets for validity. The system is designed to read a bar code from a ticket to determine the validity of the ticket. This system is far removed from the claimed invention. Claims 168, 311, and 314 teach a system or method which accesses

programming material as a result of recognition of a machine recognizable feature in a printed document issued by an educational institution. The programming material of the present invention is designed such that it can be 5 easily altered or updated at any time. As a result, a user will be provided with the most recently updated version of the associated information (or programming material) upon scanning a printed document. This is not possible with Withnall. First of all, Withnall fails to disclose any 10 programming material. Withnall only returns a validity state of a ticket, and not more substantial programming material which includes information that supplements the information in the printed document. Even if Withnall does disclose programming material (although Withnall does not), 15 the system would be unable to provide the updateable programming material of the present invention. Any database of validity states of Withnall is stored locally on a vehicle (e.g., a bus). If the database needs to be updated, the information must be altered on the vehicle. 20 Withnall does disclose a "radio data link" for transmitting validity information. However, this radio data link could not successfully transmit programming material. The radio data link of Withnall is designed only to transmit validity states. The programming material of the present invention

(e.g., audio or visual material), on the other hand, would require substantially more data to be transmitted in a specialized format. The radio data link of Withnall is obviously not designed to do this, and therefore, an 5 inventive step must be performed to allow the system of Withnall to transmit programming material to or from a vehicle.

Additionally, the Examiner contended that the printed document of the claimed invention would be an obvious 10 extension of the teachings of Withnall. Applicants respectfully disagree because Withnall's system is specifically designed for ticketing systems. Therefore, one could not automatically arrive at the idea of utilizing the system for accessing programming material related to 15 printed documents issued by educational institutions because Withnall intently teaches that the patented system be used for commuter ticketing systems.

Moreover, the Examiner's rejection of claim 168 under 35 U.S.C. § 102(b) is also improper because Withnall does 20 not teach each and every element the claim as required for a rejection under this section. In addition to not disclosing programming material, Withnall does not teach a printed document issued by an educational institution. With regard to claims 169, 311, and 314 the Examiner even

admitted that “[t]he claim[s] differ[] [from Withnall] in calling for a printed document issued by an educational institution.” (February 28, 2003 Office Action Summary, p. 5). Claim 168 also recites “a printed document issued by 5 an educational institution,” and therefore also differs from Withnall. Because Withnall obviously does not teach each and every element of claim 168, it cannot be anticipated by Withnall under 35 U.S.C. § 102(b).

In view of the foregoing, independent claims 168, 311, 10 and 314 cannot be anticipated by or unpatentable over Withnall. The remaining rejected claims are dependent on these claims and contain all of the limitations of their respective base claims. Therefore, these claims are also not anticipated by or unpatentable over Withnall.

15 In all subsequent rejections, the Examiner noted the deficiencies of Withnall regarding matter disclosed in dependent claims and appended various other references including Thacher, Ertz, Plummer, Konishi, Younger, and Ishii to Withnall in order to provide the additional 20 features of the dependent claims. However, the pending claims have been shown to not be anticipated by or unpatentable over Withnall. Because Withnall is relied upon by the Examiner to disclose features which Applicants have demonstrated not to be contained within or obvious in

light of Withnall's teachings, combining additional references to Withnall to cover additional features would still be insufficient for rejecting any claims under 35 U.S.C. § 103. Thus, Applicants respectfully submit that 5 all remaining rejections have also been overcome and should be withdrawn.

CONCLUSION

Applicants submit that all pending claims represent a patentable contribution to the art and are in condition for allowance. No new matter has been added. Early and
5 favorable action is accordingly solicited.

Respectfully submitted,

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